

Application No. 10/009,356
Reply to Office Action of Sept. 15, 2004

REMARKS

After the foregoing amendment, claims 6-12, 14-26, and 29-32, as amended, are pending in the application. Claims 8, 10, 14, 24, 26, 29 and 30 have been amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-5, 13 and 28-29 have been canceled. Claim 32 is new. Applicant submits that no new matter has been added to the application by the Amendment.

Objection to the Specification

The Examiner objected to title as not being descriptive. Applicant has replaced the Title with a new Title which is descriptive of the claimed invention. Applicant respectfully requests reconsideration and withdrawal of the objection to the Title.

Rejection - 35 U.S.C. § 112

The Examiner rejected claim 14 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As described at page 11, the configuration of the disk of the external periphery face of the magnet 8 and the external peripheral face 9 (see fig. 9) is such that there is a separation rotation speed for separating the magnetic ball from the magnet 8 and an attraction rotation speed for attracting the ball from the external peripheral face 9. As would be understood by one of ordinary skill in the art, the separation speed is greater than the attraction speed.

As described at pages 34 and 35 of the application, there is defined a case of operation for reproducing, recording and seeking for which the rotation speed within a prescribed region of the disk has: (1) a maximum allowed value which is lower than the separation rotation speed and higher than the attraction rotation speed, and (2) has a minimum allowed value which is not more than the attraction rotation speed. If the two aforementioned conditions are present, the controller sets the rotational speed of the disk (spindle speed) to the attraction rotation speed.

Applicant has amended claim 14 to positively recite the limitations. Thus, amended claim 14 requires that the rotation speed of the disk be set to the attraction rotation speed under the conditions that for a prescribed region of the disk: (1) the allowed maximum speed of the disk is between the attraction rotational speed and the separation rotation speed and

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(2) the minimum allowed speed of the disk is not more than the attraction rotational speed of the disk. Applicant submits that the amendment to claim 14 is not indefinite. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 112 rejection of claim 14.

Allowable Subject Matter

The Examiner has allowed claims 6-7, 9-12, 17, 23 and 25. Also, the Examiner has objected to claims 8, 24, 26 and 29-31 as being dependent upon a rejected base claim but stated that claims 8, 24, 26 and 29-31 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended claim 8 to depend directly from allowed claim 7, claim 24 to depend directly from allowed claim 17, and claim 26 to depend from claim 17 and to include all the limitations of claim 24. Claims 29-31 now depend from allowable claim 8. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 8, 24, 26 and 29-31.

New claim 32

New claim 32 recites a disk having a balancer wherein if the minimum value of the rotation speed is not less than the attraction rotation speed, the disk rotation speed is raised to the separation attraction speed or more so that the magnetic ball becomes in the separation state before reproduction, recording or seek operation. Neither Ikuta et al or Fennema teach, suggest or disclose setting the rotational speed of the disk to the separation rotational speed if the minimum value of the rotation speed in a prescribed area is not less than the attraction rotation. Accordingly, Applicant respectfully requests that the Examiner allow new claim 32.

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Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 6-12, 14-26, and 29-32, is in condition for allowance and Notice of Allowability of claims 6-12, 14-26, and 29-32 is therefore earnestly solicited.

Respectfully submitted,

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(Date)

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